

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERMAINE WELLS,

Plaintiff,

v.

Case No. 11-CV-12884
HON. GEORGE CARAM STEEH

HOME DEPOT USA, INC.,

Defendant.

/

ORDER ACCEPTING MARCH 13, 2012 REPORT AND RECOMMENDATION (#16),
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#11), AND
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (#10)

On July 5, 2011, plaintiff filed this *pro se* defamation lawsuit against his former employer alleging his former employer provided false information to a human resources manager at Lowe's Home Improvement in connection with plaintiff's attempt to obtain a new job at Lowe's. Following discovery, defendant filed a motion for summary judgment contending plaintiff cannot establish a *prima facie* case of defamation. Plaintiff filed a cross-motion for summary judgment. The matter was referred to Magistrate Judge Michelson. On March 13, 2012, Magistrate Judge Michelson issued a report and recommendation. Magistrate Judge Michelson found that plaintiff failed to come forward with any supporting facts that a communication took place between someone at Home Depot and Ms. Fales, the human resources manager at Lowe's, in which false, defamatory and/or unprivileged statements regarding plaintiff were made. Plaintiff testified that he does

not know who at Home Depot allegedly made the statements to Ms. Fales, what position the person held, and whether that person was still employed by Home Depot at the time they made the statements. Ms. Fales did not provide any testimony via deposition or affidavit regarding the contents and/or details of the conversation alleged. Magistrate Judge Michelson therefore found that plaintiff failed to present any evidence showing a genuine issue of material fact remains with respect to his claim of defamation against Home Depot. Magistrate Judge Michelson recommends that defendant's motion for summary judgment be granted and plaintiff's motion for summary judgment be denied.

On March 19, 2012, plaintiff filed objections to the report and recommendation. In his objection, plaintiff states that Ms. Fales recanted after telling him about the alleged conversation. He states "Misty Muhammad is the contact." However, he provides no evidentiary support for his statement. Moreover, during his deposition, plaintiff admitted that he did not know who made the alleged statements to Ms. Fales. He specifically admitted that he did not know if it was Misty Muhammad. Because plaintiff has failed to come forward with any evidence to show a genuine issue of material fact remains with respect to his defamation claim, plaintiff's motion for summary judgment is DENIED, defendant's motion for summary judgment is GRANTED, and plaintiff's complaint is DISMISSED.

SO ORDERED.

Dated: March 22, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record by electronic and/or ordinary mail and also to Jermaine Wells at 24691 Parklawn Street, Oak Park, MI 48237.

s/Josephine Chaffee
Deputy Clerk